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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,752	03/13/2002	Yohei Kawabata	2001_1871A	2619
513	7590	06/06/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			AILES, BENJAMIN A	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			2142	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/018,752	KAWABATA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/21/2001</u> .                                                          | 6) <input type="checkbox"/> Other: _____                                    |



### **DETAILED ACTION**

1. Preliminary amendment filed 13 March 2002 has been acknowledged.
2. Claims 1-5 remain pending.

#### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Objections***

4. Claims 1-5 are objected to because of the following informalities: Claims 1-5 are objected to for informal usage of acronyms. For example, the first time an acronym is used in the claims, the expanded form should be mentioned at least within parentheses. For example, claim 2 could be amended on line 4 to read "a program clock reference (PCR)". Such an amendment to each acronym (only the first time the acronym is used) is required. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.



6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hemkumar et al. (US 6,356,871 B1), hereinafter referred to as Hemkumar.

7. Regarding claim 1, Hemkumar discloses a storage type data broadcast service system for transmitting a first transport stream constituting at least one content and containing a plurality of packet data having a program clock reference as reference clock information when reproducing the content, at a second transfer rate different from a first transfer rate which is determined by the reference clock information, and extracting the plurality of packet data composing the content from the transmitted transport stream to generate and store a second transport stream, comprising:

a transmitter for transmitting the plurality of packet data composing the content at the second transfer rate (col. 12, lines 17-23), and

a receiver for receiving the transmitted first transport stream and detecting a transfer rate ratio between the first transfer rate and the second transfer rate to generate the second transport stream based on the detected transfer rate ratio (col. 12, lines 24-29).

8. Regarding claim 2, Hemkumar discloses the storage-type data broadcast service system wherein the receiver comprises:

a PCR extractor for extracting the program clock reference contained in the first transport stream (col. 12, lines 30-32),

an STC recoverer for recovering, based on the extracted program clock reference, a system time clock which is a processing reference clock for the packet data (col. 12, ll. 30-44),



a PCR correction factor calculator for detecting the transfer rate ratio based on two contiguous said extracted program clock references, and deriving, based on the transfer rate ratio, a correction factor for correcting the extracted program clock reference so as to match the second transfer rate (col. 12, lines 35-38), and

a PCR corrector for correcting the extracted program clock reference based on the correction factor, wherein the STC recoverer is feedback-controlled to recover a system time clock based on the corrected program clock reference (col. 12, lines 45-52).

9. Regarding claim 3, Hemkumar discloses the storage-type data broadcast service system wherein the receiver comprises:

a PCR extractor for extracting the program clock reference contained in the first transport stream (col. 12, lines 30-31),

an STC recoverer for recovering, based on the extracted program clock reference, a system time clock which is a processing reference clock for the packet data (col. 12, lines 30-44),

an STC/PCR rate ratio calculator for deriving, based on the extracted program clock reference and the recovered system time clock, a correction factor for correcting the extracted program clock reference so as to match the second transfer rate (col. 12, lines 35-38), and

and a PCR corrector for correcting the extracted program clock reference based on the correction factor, wherein the STC recoverer is feedback-controlled to recover a



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system time clock based on the corrected program clock reference (col. 12, lines 45-52).

10. Regarding claim 4, Hemkumar discloses the storage-type data broadcast service system wherein the receiver comprises:

- a PCR extractor for extracting the program clock reference contained in the first transport stream (col. 12, lines 30-31),

- a PCRr specifier for causing the PCR extractor to extract as a standard program clock reference the reference clock contained in the first transport stream and contained in packet data transferred at the first transfer rate (col. 12, lines 30-44), and

- an STC recoverer for recovering, based on the extracted standard program clock reference, a system time clock which is a processing reference clock for the packet data (col. 12, lines 30-44).

11. Regarding claim 5, Hemkumar discloses the storage-type data broadcast service system wherein the transmitter comprises a transfer rate ratio appended for assigning the transfer rate ratio to the first transport stream TS (col. 12, lines 17-22), and wherein the receiver comprises:

- a PCR extractor for extracting the program clock reference contained in the first transport stream (col. 12, lines 30-32),

- an STC recoverer for recovering, based on the extracted program clock reference, a system time clock which is a processing reference clock for the packet data (col. 12, lines 30-44),



a PCR correction factor generator for extracting the transfer rate ratio from the first transport stream, and deriving, based on the extracted transfer rate ratio, a correction factor for correcting the extracted program clock reference so as to match the second transfer rate (col. 12, ll. 45-52), and

a PCR corrector for correcting the extracted program clock reference based on the correction factor, wherein the STC recoverer is feedback-controlled to recover a system time clock based on the corrected program clock reference (col. 12, ll. 45-52).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukushima et al. (US 6,477,204 B1) discloses a video image decoding method and apparatus.

O'Grady (US 6,195,392 B1) discloses a method and arrangement for generating program clock reference values in MPEG bitstreams.

Huh (US 6,021,168) discloses a clock recovery circuit and method for MPEG-2 system decoder.

Mimura et al. (US 6,587,031 B1) discloses transport protocol conversion method and protocol conversion equipment.

Chen (US 6,065,038) discloses a method and apparatus for transmitting data at different data transfer rates using multiple interconnected hubs.

Anderson et al. (US 6,356,567 B2) discloses embedded clock recovery and difference filtering for an MPEG-2 compliant transport stream.



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Kato (US 6,404,711 B2) discloses a system including comparing a separated time stamp to a generated timing signal and controlling a timing signal on the basis of continuity of time stamps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

*Beatriz Prieto*  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**